REMARKS

Claims 1-12, 15-17, and 19-51 are currently pending in this application. The office action mailed June 17, 2005 allowed claims 9, 16, 33-37, 44-48, 50, and 51 and rejected claims 1-8, 10-12, 15, 17, 19-32, 38-43, and 49. Applicant has amended Claims 1-8, 10-11, 17, 25, 27, 29, 33, 38, 40, and 49. Claim 33 was amended to correct a typographical error and for no other purpose. Claims 32 and 43 are canceled. No new matter has been added by any of these amendments. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record.

Rejection of Claims Under 35 U.S.C. § 103

The Office Action has rejected claims 1-8, 10-12, 15, 17, 19-24, 27-32, 38-43, and 49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,675,174 to Bolle et al (hereafter "Bolle") in view of U.S. Patent No. 6,460,050 to Pace et al. (hereafter "Pace") and U.S. Patent No. 5,903,892 to Hoffert et al. (hereafter "Hoffert"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited references do not disclose or suggest the limitations of independent claims 1, 27, and 38, as amended. In particular, amended claim 1 recites a method that, among other things, generates a media file identifier that is generated for the located unknown media file using an up-down coding algorithm for audio data in the located unknown media file. Amended claim 27 recites a method that, among other things, creates a media file identifier for an unknown media file with [an] identifier generating algorithm, wherein the identifier generating algorithm is an up-down algorithm for audio data in the unknown media file. Similarly, amended claim 38 recites an apparatus, where the identifier generating algorithm being an up-down algorithm for audio data in the known media files.

Nowhere in the cited references is an up-down algorithm disclosed or suggested. Moreover, nowhere in the cited references is an up-down algorithm employed to generate a media file identifier for audio data. Therefore, the cited prior art references do not make obvious the

claimed invention of claims 1, 27, or 38. Thus, for at least these reasons, independent claims 1, 27, and 38 should be allowed to issue.
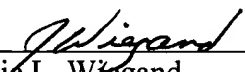
Claims 2-8, 10-12, 15, 17, 19-26, and 49 depend from independent Claim 1. Claims 28-31 depend from independent Claim 27. Furthermore, claims 39-42 depend from independent claim 38. Therefore, for at least the same reasons as discussed above these dependent claims are also not rendered obvious by the cited prior art references; and thus, are in condition for allowance.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believe that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

Dated: September 16, 2005   Respectfully submitted,

By_____
Jamie L. Wiegand
Registration No.: 52,361
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
Customer No.: 07278   (206) 262-8900
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant